

Amendment No. 1 to HB0755

Moody
Signature of Sponsor

AMEND Senate Bill No. 630

House Bill No. 755*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2203, is amended by deleting subsection (a) and substituting:

(a) The commission may promulgate rules establishing minimum manufacturing standards and specifications for textbooks and instructional materials and establishing the conditions under which the commission contracts with publishers. The commission may make contracts with the publishers for a period of no more than seventy-three (73) months. The commission may extend any existing contracts entered after April 27, 1984, for up to two (2) additional years if the commission notifies the affected publishers at least six (6) months prior to the beginning of the extension period. With the advice and consent of the state board of education, in order to implement the board's standards and courses of study, the commission may prescribe minimum content and reading level of textbooks and instructional materials.

SECTION 2. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in

the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-111.

(b) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the

department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-111.

(b)

(1) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(2)

(A) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(B) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. Sections 1 and 2 of this act take effect upon becoming a law, the public welfare requiring it. Section 3 of this act takes effect July 1, 2021, at 12:01 a.m., the public welfare requiring it.